

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application. Reconsideration is respectfully requested.

I. Restriction Requirement

The Examiner has restricted the claims of the application between Group I, claims 1-19, and Group II, Claims 20-33.

Group I has been elected, which election is confirmed via the indication in the amended claim set of "withdrawn."

II. Objection to Specification and Rejection of Claims 16-18 under 35 USC 112

The Examiner has objected to the Specification under 35 USC 112, first paragraph, regarding the term "matrix element" for use as a settling surface for floc, and has rejected Claims 16-18 under 35 USC 112, second paragraph, for indefiniteness.

The matrix element referred to on pages 5 and 6 of the Specification is described as being added to the enclosure to "provide a surface onto which floc can settle". Applicant would respectfully request further explanation of how this is unclear. It is believed that one of skill in the art would recognize that any such surface would form a convenient site for deposition of floc. Similarly, for Claim 16, the root mat of floating vegetation, which structures are known in the art, can serve as an effective site for permitting floc deposition and association therewith. Then, as recited in Claim 18, when

the water is drained from the body of water, the floc remains with the mat and can be tilled into the bottom of the body of water.

Therefore, it is respectfully believed that the Specification and Claims 16-18 are definite and clear.

III. Rejection of Claims 1-5, 15, and 19 under 35 USC 103(a)

The Examiner has rejected Claims 1-5, 15, and 19 under 35 USC 103(a) as being unpatentable over Tanaka et al. (US 6,251,264).

This rejection is respectfully traversed. Tanaka explicitly teaches away from the recitation of Claim 1, for example, in that, after each treatment, Tanaka separates the floc from the treated water before reusing the photocatalyst, and then separates the inorganic coagulant from the photocatalyst particles. There is no teaching or suggestion to “[remove] at least some of the treated water from the enclosure”, “[add] new water containing a pollutant to the enclosure”, and “[mix] the new water and the floc to resuspend components of the floc.”

Thus the process of Tanaka requires the steps of removing the floc from the process reservoir and then separating the coagulant from catalyst, enabling the reuse of the catalyst. The invention claimed in the present case, on the other hand, leaves the floc comprising coagulant and pollutant *in the enclosure* while removing treated water separated from the floc, and then resuspends the floc following the addition of new water in order to permit additional contact between the coagulant and newly added pollutant matter.

With regard to Claims 15-19, it is also respectfully believed that a matrix element is not analogous to the photocatalyst particles of Tanaka, in that the matrix element of the present invention serves as a settling surface, and not as a catalyst to a chemical reaction. The matrix element of the present invention is convenient in that it typically represents a monolithic feature such as a root mat or filter that can be physically removed as a unit, with floc clinging thereto, and no additional step is used to separate the coagulated floc from the matrix element.

Therefore, it is respectfully believed that independent Claim 1, and Claims 2-19 dependent therefrom, are patentably distinct from Tanaka.

IV. Rejection of Claims 6-14 under 35 USC 103(a)

The Examiner has rejected Claims 6-14 under 35 USC 103(a) as being unpatentable over Tanaka et al. (US 6,251,264).

This rejection is respectfully traversed. As independent Claim 1, from which Claims 6-14 depend, directly or indirectly, is believed to patentably distinguish over the cited art, Claims 6-14 are also believed patentable.

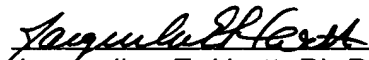
V. Claims 16-18

As Claims 16-18 have not been rejected on grounds of prior art, and are believed definite, these claims are also believed patentable over the cited art.

Conclusions

Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims as amended in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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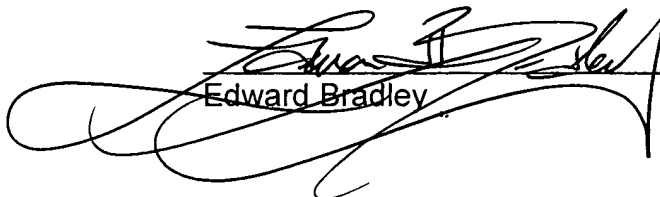
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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 13th day of June, 2005.


Edward Bradley